

**Amendment and Response**

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Serial No.: 09/698,412

Confirmation No.: 5638

Filed: 27 October 2000

For: AUTOMATED RESPIRATOR FIT TESTING METHOD AND SYSTEM

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**Amendments to the Drawings**

The attached sheets of drawings include changes to Figures 1-4. These sheets replace the original sheets including Figures 1-4.

Sheet 1, which includes Figures 1 and 2, replaces the original sheet including Figures 1 and 2.

Sheet 2, which includes Figures 3 and 4, replaces the original sheet including Figures 3 and 4.

The amendments to the drawings merely provide formalized drawings, in response to the Examiner's objection. No new matter has been added.

Attachment: Replacement Sheets

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**Remarks**

The Office Action mailed 13 December 2004 has been received and reviewed. Claims 2-4, 6, 9-13, 16, 22, 25, 27, 29, 31-35, and 39-45 having been amended, and claims 1, 5, 21, 24, 26, 30, and 37 having been canceled, the pending claims are claims 2-4, 6-20, 22, 23, 25, 27-29, 31-36, and 38-46.

Claims 4, 12, 16, 22, 31, and 40-45 have been rewritten in independent form.

Claims 2, 6, 9-11, 13, 25, 27, 29, 32-35, and 39 have been amended to depend from a pending claim.

Claim 3 has been amended to correct an error in punctuation by adding a period that was inadvertently omitted at the end of the claim.

No new matter has been added as a result of these amendments.

Reconsideration and withdrawal of the rejections in view of the above amendments and the following comments are respectfully requested.

**Allowed Claims**

Applicants thank the Examiner for notification to the effect that claims 38 and 46 are allowable, and that claims 4, 12, 16-20, 22, 23, 31, and 39-45 would be allowable if rewritten in independent form.

**Drawings**

Applicants submit that the amendments to the drawings filed herewith overcome the Examiner's objection thereto.

**The 35 U.S.C. §103 Rejection**

The Examiner rejected claims 1-3, 5-8, 11, 21, 24-27, 30, and 35-37 under 35 U.S.C. §103(a) as being unpatentable over Burström (FOA Report C40208-C1 (C2)) in view of Fennelly et al. ("An Automated Aerosol Generator to Reduce Variability in Qualitative Fit Testing of

Respirators," K.P. Fennelly et al., American Journal of Respiratory and Critical Care Medicine, Vol. 159, Supp. #3, pp. PA 615 DTD 199).

The Examiner rejected claims 9-10 and 28-29 under 35 U.S.C. §103(a) as being unpatentable over Burström in view of Fennelly et al. in view of Pasternack (DE 26 52 136).

The Examiner rejected claims 13-15 and 32-34 under 35 U.S.C. §103(a) as being unpatentable over Burström in view of Fennelly et al., in view of Department of the Army Pamphlet 40-8 ("40-8").

Applicants do not necessarily agree with the Examiner's rejections herein. However, in the interest of furthering prosecution of the present application, claims 1, 5, 21, 24, 26, 30, and 37 have been canceled, and claims 2, 3, 6-11, 13, 25, 27, 29, and 32-35 have been amended to depend, directly or ultimately, from an independent claim the Examiner indicated would be allowable if written in independent form. In view of the above, and as claims 14, 15, 28, and 36 now depend ultimately from independent claims which the Examiner indicated would be allowable if written in independent form, Applicants respectfully submit that the above rejections are thereby obviated.

Reconsideration and withdrawal of the rejections are, therefore, respectfully requested.

### Summary

It is respectfully submitted that the pending claims 2-4, 6-20, 22, 23, 25, 27-29, 31-36, and 38-46 are in condition for allowance and notification to that effect is respectfully requested.

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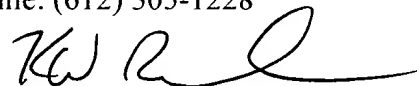
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The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for  
**Haskell E. MULLINS et al.**

By  
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13 APRIL 2005  
Date

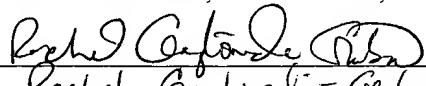
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**CERTIFICATE UNDER 37 CFR §1.10:**

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By:   
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